

Forest Health Strategy Work Group

November 9, 2004: Seventh Meeting
Olympic National Forest Supervisor's Office
Olympia, Washington

Members Present:

Pat McElroy, Chair, DNR Staff
Karen Ripley, Coordinator, DNR Staff
Vicki Lee, Secretary/Meeting Minutes, DNR Staff
Rich Fonda, Fire Ecologist, WWU
Maurice Williamson, Small Forest Landowner Advisory Committee
Rick Brazell, USDA Forest Service
Bruce Lippke, UW College of Forest Resources
Peter Heide, Washington State Society of American Foresters
John Mankowski, WA Dept. of Fish and Wildlife
Ron Shultz, Executive Policy Advisor, Governor's Executive Policy Office
Bob Gara, Forest Entomologist, UW College of Forest Resources
Steve Tveit, Boise Cascade

Absent:

Mike Petersen, The Lands Council
Mike Blankenship, Ferry County Commissioner
John St. Pierre, Confederated Tribes of the Colville Reservation
Barry Moore, WSU Dept. of Natural Resource Science

Guests:

Elaine Oneil, UW College of Forest Resources
Howard Thronson, Product, Sales and Leasing Manager – DNR, State Lands
Karl Denison, USDA Forest Service
Steve Saunders, Environmental & Legal Strategies Section Mgr. – Asset Mgmnt. Protection Div.
Randy Acker, Governmental Relations Director – DNR Executive Management

CALL TO ORDER:

Pat McElroy called the meeting to order at 9:00 a.m. Introductions were made. Karl Denison gave a safety briefing. McElroy made a motion to review and approve the minutes from the October 13th and 14th meeting; minutes were approved. Steve Saunders went over the agenda for the day and what goals needed to be accomplished.

Discussion of Draft Work Group Report - All

Karen Ripley explained the new version of the report is a result of McElroy and Ripley taking all the reports and putting them into a different outline. Instead of organizing by tasks, it is now organized by elements. She asked that the group look at the report in its totality, and then if anyone has any problems with any of the sections, we can discuss it.

John Mankowski commented that this is the second to the last meeting; "How will group process if we don't reach a consensus by December?"

1 McElroy replied that if we have areas of disagreement today, that it would be noted and made part of the
2 report; that we were unable to reach consensus. What we will have at the December meeting is a
3 penultimate version, which will have been through an editing process then, takes what were trying to say
4 and makes it understandable to the legislators and the staff. McElroy commented that his goal was to
5 have a six to ten page Legislative Report, and executive summary that is a page or page and a half.

6
7 Ripley gave an overview of the report. She and McElroy took the reports that each of subcommittees
8 prepared, and were not satisfied with tackling the Forest Health issues in terms of those tasks listed in the
9 legislation, because it seemed very clumsy. So they built a different document. The first couple pages
10 give an overview of what an acceptable, desirable Forest Health Program would include; with a bulleted
11 list of elements associated with different areas that we evaluated. After taking a few minutes to read the
12 introductory pages we went over the document.

13
14 Saunders added to make sure you are comfortable with each of the analysis areas.

15
16 Pete Heide mentioned he left an alternative outline with McElroy and Ripley that might be taken into
17 consideration.

18
19 McElroy replied that both would be passed on to the technical editors.

20 21 Introduction and Background

22 Ron Shultz commented that the Introduction and Background need more of an explanation of purpose,
23 and a description of objectives. It needs to describe more of what we are trying to do and where is it we
24 are trying to go.

25
26 Heide feels we need to focus on the three major landownership categories. Let people know in the
27 Introduction we are going to be addressing these categories.

28
29 Maurice Williamson agreed. He pointed out that until we get adequate data, we are not going to be able
30 to formulate a real action until we know where to concentrate our efforts.

31
32 Mankowski stated we must mention up front what we are trying to protect “continued public benefits”.
33 Include non-timber values.

34
35 McElroy addressed the comments. He advised the Introduction essentially hasn’t been written. He hears
36 what is being said; and the Introduction will be longer and more comprehensive.

37
38 Bruce Lippke suggested we refer to the facts in the Introduction, that fires have increased and that we
39 should pull out some of these numbers in the Incentives Report and put them in the Introduction; as they
40 are an important part of the framework.

41
42 Ripley advised that she compiled a paper called “Forest Health Situation” with a list of why the forests
43 are becoming increasingly unhealthy, which she passed out. This is also part of the Introduction that has
44 not been formed.

45
46 Saunders asked that the group read the one-page document and comment.

47
48 Mankowski referred to **Line 27, it needs better language.** (This is inaccurate characterization of owl
49 habitat)

Williamson attended a meeting last week where stakeholders were concerned that forest health issues will trump Forest Practices Rules. Williamson feels that is not necessary at the State level. Need to be more flexible. The Introduction needs to be clear that we are not out to revise Forest Practice Regulations.

Line 34, insert “Some of” in front of Eastern Washington

Mankowski agreed. We are on record as supporting Forest Practice Rules. We can’t make blanket statements. Not all riparian areas. Be much more precise.

Lippke replied that we couldn’t leave it out.

Bob Gara pointed out that the problem should be solved in Tier 1. Need to put the emphasis to the Legislature that State Extension Service and DNR take the lead and be funded additionally to do the necessary outreach and education to make Tier 1 work.

Elaine Oneil stated that the Eastern Washington part of the Forest Practices Rules captures the intent of those rules really well. Could use it in the Introduction.

Action: McElroy will work on the Introduction on Friday the 12th. Please e-mail your thoughts, or issues that need to be addressed in the Introduction.

Page 2, Line 26 after Landowners, add “and land managers”

Page 2, Line 27 cross out “and” and replace with “that”

Mankowski asked on Page 2, Lines 26-27, “What does that mean?” It flies in the face of lots of policies of Fish and Wildlife. What scale do we want to talk about? We need to focus report and recommendations on areas where forest health is already or likely to become a problem. It isn’t our intent to mean statewide, all areas, etc.

Gara pointed out that there is a big level of active management in lots of State Parks.

Rick Brazil suggested taking out “active”.

McElroy reminded the group, that in the Draft Legislation one of the ways this was addressed was: “The committee shall evaluate the threat and report on its nature, extent, and location. In their deliberations, the committee shall consider the need for action, and alternate ways of achieving the desired results on forestland ownerships of less than ten acres, and forests owned for scientific, study, recreational, or other uses not compatible with active management.” He expressed hearing that this is an area of some divergence of opinion. McElroy added that he thought we could work with it and bring it to a closer place; but not sure we can get it to agreement.

Lippke stated the difference of opinion is on the degree, how much?

Mankowski emphasized that we need to focus the attention on the areas that are likely to be a forest health problem in the state. Make sure the statement is not applied to the stand or site level.

Heide commented, “Don’t make the mistake of associating active management only with logging. The techniques we use to manage forest health have to be acceptable to the landowner (parks, recreation, industry).”

Elements

McElroy asked are there elements we don't need, or left out?

Heide suggested adding a bullet. We are missing summary of information. Look at the state in some level of detail. Have to have some sort of a response to it. "Action plan that uses the available information we gather and puts it into effect." (PM: Will be separate bullet)

Page 3; Lines 7 and 8, cross out "to Motivate", and insert "tailored toward."

Williamson replied that he doesn't know that family forest owners have a significant problem right now.

Lippke said to focus the program towards all owners (not just small landowners).

McElroy emphasized that this is to address the special needs of small landowners.

Williamson replied, "Call them family forest landowners."

Lippke pointed out that Analysis Area 7 is almost exclusively tailored to small landowners.

Gara added they are highly important.

Tveit said we needed a bullet about lack of markets. That's the key to industry. It's necessary infrastructure and markets for people to deal with the small trees are lacking.

Heide commented that it's got one paragraph in Analysis Area 9.

Oneil replied that this might be insufficient.

McElroy reminded everyone there would be unfinished business when they were done.

Lippke pointed out that the Incentives Section, Analysis Area 7, brings the material out free; you just have to motivate folks. Most of the stuff is on federal land. Doesn't include the infrastructure side of things.

Denison added that we needed to include a guaranteed supply so industry will invest.

Lippke explained we would identify a huge volume of material; but that's no guarantee it will become available.

Denison asked if we wanted to suggest some incentives.

Mankowski replied we should include it as a bullet

McElroy agreed.

Analysis Area I

Ripley gave a summary, commenting that we don't need a whole lot of new research to establish there is a forest health problem. We need to enhance the general understanding that forest health problems exist in the state. One way to communicate some of those ideas is in the problem that exists right now in fire suppression costs and non-market opportunities for reducing forest health problems.

1 **Page 3, Line 29** insert “evidence” before “not needed”

2
3 Lippke stated, “We need to maintain the distinction that there is an issue. We do not need more analysis
4 of where to go.”

5
6 Saunders replied more study is not needed. Efforts need to take place.

7
8 Ripley advised more study is not necessary to justify; that actions are desirable.

9
10 Williamson thought Analysis Area 2 should go first then Analysis Area 1.

11
12 McElroy commented, “Let’s leave that up to the editor.”

13
14 Tveit stated we needed an effective communication program described.

15
16 Lippke replied there was a reference letter.

17
18 Gara commented to solve the problem in Tier 1. Need to put emphasis to the Legislature that state
19 extension service, and DNR take the lead and be funded additionally to do the necessary outreach and
20 education to make Tier 1 work.

21
22 **Analysis Area 2 – no changes**

23
24 **Analysis Area 3**

25 Fonda commented that landowners and land managers require information to understand where their
26 lands are.

27
28 Oneil pointed out a clash between Page 20; Lines 4-6, regarding writing a rule. Wants to make sure we
29 aren’t developing one-size fits all. A single metric or narrow range of prescribed densities or structural
30 attributes will not be sufficient in meeting forest health goals.

31
32 McElroy replied no single prescription could achieve Forest Health; we need to provide landowner with
33 sufficient information, given their site-specific situation so they can make decisions. Density thresholds
34 must be known, understood and communicated.

35
36 Mankowski asked if those thresholds would drive the Tier 2 and 3 processes.

37
38 McElroy replied that it could start it.

39
40 Lippke stated we needed to identify risk and treatments.

41
42 Mankowski suggested using Analysis 3 to drive Tier 1. It’s not ready to be Tier 3 hammer.

43
44 Fonda said **Page 9; Lines 27 through 29 are not needed.**

45
46 **Analysis Area 4**

47 McElroy stated that we need to continue what we are already doing. Need to have some capacity for
48 improvement.

49
50 Tveit asked what “on the ground” implied.

1 McElroy said to put both elements in there.

2
3 Mankowski asked how we would measure our success. Track communication and outreach.

4
5 McElroy said to add to elements of strategic plan.

6
7 Heide commented that this added to the assessment described in Analysis Area 2. Needs to be
8 “Monitoring and Reporting”. Expand the feedback mechanism.

9
10 McElroy replied that monitoring the critters is what Karen’s program does. Monitor what’s being done.

11
12 Mankowski added validation monitoring. Then asked is doing what we are doing, doing what we
13 intended to do.

14
15 Saunders commented that Legislature is often asking what did we get for the money we spent.

16
17 Mankowski suggested describing two or three types of monitoring that need to be done. Have a blue
18 ribbon panel describe our commitment to monitoring and what we intend to track.

19
20 McElroy advised we would shift this to a measure of success bullet.

21
22 Denison mentioned that we should use existing monitoring systems when feasible.

23 24 Analysis Area 5

25 Heide commented that it seems choppy; it jumps back and forth between laws.

26
27 McElroy stated that we did the tasks required by the legislation.

28
29 Heide asked if we should elaborate on the Noxious weed Law.

30
31 McElroy replied that he didn’t think we ought to dwell on it.

32
33 Heide said to put a definite kibosh on managing Forest Health through the Noxious Weed Law.

34
35 **Page 13; Line 32, add the sentence: “The Forest Health Strategy Work Group believes that the best**
36 **solution is through changes to 76.06 and 76.04, not the Noxious Weed Law.**

37
38 **Action: Saunders replied if there are other recommendations send an e-mail to Karen.**

39 40 Analysis Area 6

41 Heide suggested crossing out on Page 14; Line 5, “The Noxious Weeds and Forest Protection statutes
42 contain the fundamental concept that”, also cross out “problems” and replace with “health”.

43
44 Fonda stated that we needed to get the concept of “wellness”\prevention in here early as key concepts.
45 Also, in Tier 2 we need to settle on one term, “Forest Health Hazard”. Avoid “Extreme Forest
46 Health Hazard”.

47
48 McElroy pointed out that the legislation distinguishes an extreme fire hazard.

49 **Page 15; Line 8, after “resources” add, “as funding permits”.**

1 McElroy advised a budgetary constraint notwithstanding the Commissioner Of Public Lands is
2 responsible for organizing and coordinating efforts. Specify that responsibility.

3
4 Brazell asked if there was an access change coming in Tier 3.

5
6 Heide commented to follow 76.04 and use parallel structure,

7
8 Williamson asked if “**adjoining**” on Page 15; Line 17 is the same as “**nearby**” on Page 15; Line 22.

9
10 McElroy pointed out that the legislation draft has “Does it represent an extreme fire hazard?” That’s the
11 criteria. Make sure the expert panel knows their charge, determine whether this represents a substantial
12 threat to forest productivity, define the area that needs to be addressed, make recommendations about
13 what needs to be done, and what is the penalty if landowner fails to succeed.

14
15 Mankowski asked what the purpose or intent was. Protect structures?

16
17 McElroy commented, “The public interest is in the cost of firefighting.”

18
19 Heide replied that it must be a threat to public resources.

20
21 Thronson advised that fire hazard is a public nuisance because it is explosive and changes the tactics for
22 firefighting.

23
24 Williamson stated that maintaining forest productivity is good intent.

25
26 Denison described an example of some Boise land that is really isolated. In the middle of nowhere, it is
27 not a threat to adjacent forestland. Does DNR still have to go fight that fire?

28
29 McElroy replied yes.

30
31 McElroy stated what he is hearing is that there is not a feeling that this technical advisory committee runs
32 the Commissioner. But if we can give them some direction to evaluate the proximity of the affected areas
33 and ownerships, that might be the best way to get at that. There is some work that has to be done on that.

34
35 Fonda emphasized that it is important to take action when adjacent land is at risk.

36
37 Williamson asked if Tier 1 and 2 are a “risk” vs. Tier 3 is a “hazard?”

38
39 There was a group discussion. We won’t likely differentiate here.

40
41 Brazell asked who could petition the Commissioner to make a committee.

42
43 McElroy replied, “When in the opinion of the Commissioner of Public Lands, forestlands in any area of
44 the state appear to be threatened by a forest health condition of such nature or extent that action to reduce
45 the threat seems necessary, the Commissioner shall appoint a forest health technical advisory committee.”

46
47 Brazell would recommend it go through the DNR office.

48
49 McElroy disagrees. Need to give respect to the office of the Commissioner of Public Lands.

Shultz added that the orders would have to be appealable (not yet established). One standing of appeal would be if the action were “arbitrary and capricious”.

Draft Legislation

McElroy advised these ideas would generally target changes to RCW 76.06 and 76.04

Section 1 Findings

Williamson and Gara: **Page 1; Line 3**, cross out “catastrophic”, replace with “destructive”, cross out “uncharacteristic”

Page 1; Line 10, put a comma after “windstorms”

Section 2 Approach

Page 1; Line 15: Shultz commented, “Don’t say intent. Make assertive statements of what DNR will do under Tier 1.

McElroy: **Page 1, Lines 15, 16, and 17**; insert “The legislature directs them”. Cross out “from fire, windstorm, ice storms”. After disease add “and the effects of fire, windstorm, and ice storms. Cross out “insects and disease”.

Gara: **Page 1; Line 19**, emphasize that extension does it.

Mankowski: **Page 1; Lines 20 and 21**, be consistent of how many and which elements we deal with. We haven’t said anything about wind and ice storms in our discussions. **Add the others to Page 12; Line 12.**

McElroy commented to be sure we are trying to reduce the risk of loss, rather than prevent the event.

McElroy: **Page 1; Lines 27 and 28**, cross out “keep existing forest health problems from expanding. These efforts are to be aimed at”, cross out “ing” on containing, cross out “ing” on suppressing, and cross out “ing” on managing. McElroy commented to define Forest Health problem as one that can spread: fixing it is making it unable to spread),

Saunders: **Line 29**, cross out “extreme”.

Page 2; Line 1, cross out “are”, replace with “may be”.

Heide stated that the Department shall facilitate the formation of community groups, providing education and opportunities. **(Heide will give us his notes)**

Heide: **Page 2; Line 5**, remove “ maintaining forest productivity and” insert “to public resources, elevated risk of firefighting costs, and of spreading to adjacent or nearby public or private forestlands”.

Gara replied, “a productive forest ecosystem in terms of timber, wildlife, recreation...”

Lippke stated that a third tier would require action by the landowner when Tier 2 did not achieve desired results.

McElroy added, and the problem is increasing or spreading, or there’s no reason to elevate the tier.

1 Lippke replied if you stand pat with fire, under Tier 2 if folks are working to reduce it, that's good. If
2 they aren't, they risk isn't diminishing.

3
4 Heide commented that if you have a high-risk area, start getting to the area via Tier 2. If after a couple of
5 years, your not getting on top of it, go to Tier 3 to pursue hold outs. Don't use fuzzy terms to differentiate
6 it. You are going to have to identify and measure the hazard.

7
8 McElroy advised the judge would be looking at the Commissioner of Public Lands Order.

9
10 McElroy stated Tier 2 requires dead trees to be there. There's no difference between Tier 2 and Tier 3,
11 other than an action is required.

12
13 **Page 2; Line 10, cross out "the", replace with "a".**

14
15 **Section 3 The Forest Health Technical Advisory Committee**
16 **Committee Creation and Membership**

17 Lippke suggested making the first sentence parallel vs. keeping it from expanding in Tier2.

18
19 Heide commented all members of the committee should be selected for their training or expertise in forest
20 health.

21
22 Shultz stated there is a technical aspect to identify the problem and scope of the problem. There's a social
23 aspect in developing a solution.

24
25 Heide suggested the Commissioner get the technical information from this committee then consult with
26 policy advisors to consult with the other political officials prior to issuing the order.

27
28 Williamson pointed out that the place for county commissioners and communicating is at Tier 2. A smart
29 commissioner will send his county extension agent.

30
31 Saunders asked what the role of the committee was.

32
33 McElroy replied to advise the commissioner whether a forest health hazard exists at sufficient level to
34 require action, monitor the situation, and serve for the duration of that situation.

35
36 Shultz asked if the group would be connected with a specific area when formed?

37
38 McElroy replied that the committee would decide the extent of the area that action necessary.

39
40 Williamson commented that there was too much to handle everything.

41
42 Heide stated that was the Commissioner of Public Lands discretion.

43
44 **Williamson wants a disclaimer as to why the forest health problem wasn't fixed in a year or two.**

45
46 Heide disagreed with having a county commissioner on the committee. He replied that this is a technical
47 committee, not a policy committee. Do not mix them.

48
49 Brazell commented that in today's world, you couldn't separate the social/political side from the technical
50 side.

1 Tveit sees this purely as a technical committee. Don't get into landowner descriptions.

2
3 Fonda asked how the group votes, and what it takes to advise the commissioner.

4
5 Thronson suggested using the Land Bank Technical Advisory Committee as a model.

6
7 McElroy advised the committee would consist of two scientists, a forester with silvicultural experience in
8 forest type that's involved, a specialist in wildfire protection, with technical assistance from DNR, DOE,
9 and WDFW on wildfire protection, forest practices, water quality, and wildlife.

10
11 Brazell added a fuels person.

12
13 Denison said you could bring the community along by having someone at the table.

14
15 Fonda replied that scientists don't vote. Scientists advise the Commissioner of Public Lands. The
16 Commissioner of Public Lands should decide.

17
18 Williamson advised we needed an action plan in place for an area that's at risk or you'll miss Tier2
19 window. How would the committee get formed? How long would it take?

20
21 McElroy envisions that it could happen in ten days, if risk called for that, or Commissioner of Public
22 Lands could not do anything, and there would be an election.

23
24 **Page 3; Lines 4 and 5, delete.**

25
26 **Duties of the Committee**

27 **Page 3; Line 15, delete "the need for action, and alternate ways of achieving desired results.**

28 **...And provide a report to the Commissioner of Public Lands. Add, "The committee shall also**
29 **consider", cross out "and".**

30
31 **4(a) (NO, THE COMMITTEE SHALL REPORT).**

32
33 Randy Acker advised require that the Commissioner consult with the affected publics, have a public
34 hearing, etc.

35
36 Williamson stated that the DNR should lead the stakeholders, involve the county in disseminating
37 information. Provide \$20K for providing education and communication each time the Commissioner of
38 Public Lands issues a warning.

39
40 **Page 3; Line 25 and 26, cross out "and advise the commissioner on actions necessary to reduce the**
41 **hazard.**

42
43 **Section 4 – Forest Health Hazard Warnings and Orders**

44 Heide offered up a definition to (a) **significant threat to nearby or adjacent forestland.**

45
46 **Section 5 – Activities Conducted under this Act**

47 Williamson reminded the group about revisiting ID Teams. He asked if that came under Section 5.

48
49 McElroy stated that would come under Sections 5 and 6.

50
51 Williamson asked if he was going to flesh something out on this.

1 Williamson asked if **Lines 10-13; on Page 4** was kind of a lightening rod thing.
2
3 McElroy replied yes, the whole legislation is a lightning rod.
4
5 Williamson replied what he thought was you would pay more for your extreme hazard risk.
6
7 McElroy replied he was correct.
8
9 McElroy asked the group if they wanted the Department to have the ultimate hammer. Do you want us to
10 be able to do it?
11
12 Tveit replied yes, but hope you wouldn't have to.
13
14 Ripley commented she didn't know if it would pass legislation with that.
15
16 McElroy advised it is not our job to make that call. The question is what does this committee believe.
17
18 Heide pointed out that the hammer is in extreme fire hazard law; so we don't need a hammer.
19
20 McElroy advised that **Page 4; Line 10** already enables the Department to do that.
21
22 McElroy stated that Section 5 and 6 are an amendment to the Forest Practice Act.
23
24 McElroy pointed out that Randy and himself are not really writing this legislation, what they are going to
25 do is take all this and get it as close as we can get it; then give it to Vic Moon and the code revisor and let
26 them deal with it.
27
28 Williamson agreed with Tveit that it should be put in there, but also whatever fiscal relationship there is
29 to extreme hazards.
30
31 McElroy asked that in addition to this that the Department should be able to increase the Landowner
32 Contingency Fund?
33
34 Williamson replied that there should be some sort of assessment. He said he had a problem with
35 connecting the Contingency Fund to this particular part of the hazard operation. He suggested Forest
36 Health Funding or Fire Suppression Funding, that way it doesn't single out the Contingency Fund.
37
38 McElroy asked how we would determine what that assessment might be.
39
40 Williamson replied based on the Forest Fire Patrol Assessment (FFPA) vs. the Landowner Contingency
41 Fund.
42
43 McElroy commented that we either get to spend \$500 figuring it out, or seven cents an acre.
44
45 Williamson replied the FFPA is higher than that, and the rate would be equivalent to fair market valorum
46 taxes, with a significant increase.
47
48 McElroy explained that what he is saying is if you fail under Tier 3, the Department can come and find
49 the property and deal with it and do what they are going to do as described in the statutes; or the
50 landowner is subject to an additional assessment on their property.
51

1 Gara commented that what it amounts to is a fine.
2
3 Not quite a fine if it goes to the General Fund to offset increased firefighting costs.
4
5 Acker commented to always offer a cheap solution.
6
7 Lippke stated a threat of penalty is some motivation. The more you pay, the higher the motive.
8
9 Heide commented let's see if it works.
10
11 Williamson replied that he agrees that it has worked, but largely was connected to Forest Practice permit.
12 Were talking about two different scenarios.
13
14 Heide stated if there is broken, dead or dying trees, you are liable; and nobody has to send you a letter.
15
16 The landowner needs to have a warning.
17
18 McElroy explained there is an order, and a general notice goes out in a newspaper. We have no way of
19 knowing who the landowners are.
20
21 Heide replied that other activities go on.
22
23 McElroy stated Tiers 2 and 3 only come after the trees die. Tier 1 is prevention
24
25 McElroy commented this is another one of those keystones we are working on and we have a little bit of a
26 divergent view and we need to narrow it. The way the legislation is coming down to is that the
27 responsibility is on the landowner to do something. In the report there is a notion about an assessment
28 value. McElroy's perspective is that an assessment is too difficult to recover. We are better off with the
29 liability and the Department coming in and doing it. If group wants some financial penalties, then he
30 needs to know the basis of the assessment, how it is applied, and how it is collected.
31
32 Williamson thought it could be applied through and collected through the county.
33
34 Acker commented that considering the response of the county having to collect the FFPA, there would be
35 anything but a warm fuzzy reaction to having to collect another assessment. The county hates collecting
36 the FFPA. There would be significant reluctance.
37
38 Williamson replied disregarding the earlier comments, we could charge a buck an acre or two bucks an
39 acre. Could also charge more per acre for fires.
40
41 Tveit replied in Tier 2, they volunteer to fix the problem if they pay.
42
43 Williamson added in Tier 3, they volunteer or pay more.
44
45 Ripley suggested in the warning actions can be specified.
46
47 McElroy said in the statutes we could say the Department is directed when it issues a warning to "do the
48 following".
49
50 Have to build in a process for DNR to approve the action or plan to whether the landowner has come into
51 compliance, satisfying the requirements of the order. Certification process is good.

1 Denison suggested a time limit warning.

2
3 McElroy replied no. That would be dependent upon the committee; their job is to monitor it and see that
4 things are going well. If not going well, then they would make recommendations to the Commissioner.

5
6 Shultz asked what if you are a landowner and don't know you have a problem until you get a notification
7 saying you have a problem and are liable, and now you have to do something or it becomes a Tier 3.

8
9 McElroy advised that in the plan of Tier 1. We are going to have an Outreach Core Program, to educate
10 the landowners.

11
12 Shultz asked what the process would be of getting out of the liability. Would the landowner say, "I'll
13 take care of it, and do some active management with my stand. Now does the landowner go back to
14 somebody and have their property checked out, and ask for a certification that says they are now liability
15 free?

16
17 Heide replied that he didn't think it worked that way; that the courts decide. DNR doesn't sign off.

18
19 There was a discussion and **it was agreed to add a notification and certification program.**

20
21 Lippke stated that certification was a good thing because it raises the value of the land. **Lippke pointed**
22 **out to make those decisions consistent with the Report.**

23
24 **It was also suggested depending on the nature of the pest, include option for making a plan to be in**
25 **compliance (still have a risk if trees die sooner). Plan should be attached to the land.**

26
27 Williamson asked how many trees had to be dead before you have a forest health problem and are told
28 this area needs to be treated? Is there a tonnage per area? Use 800 acres for example.

29
30 Thronson advised with 800 acres or more it's nine tons per acre or greater. There is no specific amount in
31 the law, within 100 feet of the road.

32
33 Saunders commented that we have some very isolated ideas for drafting into legislation. Keep as simple
34 as possible, focus on Tier 2 and 3, and what are the basic things.

35
36 **Section 6 – Forest Practices Board**

37 McElroy asked if we should consider an emergency Forest Practice? Could start immediately, but must
38 follow rules. No. Don't go there.

39
40 Lippke replied it should say something about Alternative Plans (they will be a lot faster than the adaptive
41 management process).

42
43 Mankowski commented that the template couldn't have the effect of re-writing a rule.

44
45 Lippke replied the Alternative Plan route could be a quicker way.

46
47 McElroy stated that CMER is only one element of the adaptive management process.

48
49 Lippke commented that thresholds are a science question. You could implement the thresholds through
50 an alternate plan template; that part of the approval process could be streamlined. **Include this in the**
51 **message to the board.**

1 **Action: Mankowski will modify this language and give it to McElroy.**

2
3 McElroy asked Acker to modify **Page 4; Lines 16-19.**

4
5 **Action: Acker will take a look at Page 4; Lines 16-19, and modify.**

6
7 **Section 7**

8 Does the Committee want DNR to have the hammer of coming in to do the action?

9
10 Tveit, Williamson and Heide say yes. Don't make a new law. Use the hammer that's already in the
11 extreme hazard law.

12
13 **Section 8 – no changes**

14
15 **Analysis Area 7 – no changes**

16
17 **Analysis Area 8**

18 Shultz wants to review this section critically for state content.

19
20 Heide mentioned he had a couple of global comments. Doesn't think there is enough information here as
21 to what is going on, on federal and state lands. **I'd like to ask Denison and Thronson to write a**
22 **paragraph or two to summarize sort of a global look at how these two large agencies are dealing**
23 **with Forest Health,**

24
25 **Action: Denison and Thronson agreed to write a couple of paragraphs.**

26
27 Williamson anticipated a placeholder into entering into a Cooperative Agreement. He would like it
28 reviewed in the future.

29
30 McElroy replied to give us some language.

31
32 **Action: Williamson will come up with language and pass on to Pat and Karen.**

33
34 **Analysis Area 9 – no changes**

35
36 **Analysis Area 10**

37 Mankowski wants to list which programs should coordinate...Clean Air Act, Clean Water Act, etc.
38 He then referred to **Page 28; Line 21** on No Active Management. Spotted Owl circles are actually not
39 "no active management." Forty percent of the areas can be clear-cut with Forest Practice Rules, and the
40 Endangered Species Act. This needs to be accurate. Don't like the way it is characterized.

41
42 **Action: Mankowski will work with Tveit and suggest some changes and e-mail them to Karen**
43 **before the next meeting.**

44
45 Shultz commented that this overlaps the discussion we had on Analysis 8, Page 25, Line 3, which talks
46 about NEPA and streamlining. I think there is an opportunity to identify there is a problem and develop a
47 strategy, where we can look at these questions of environmental review and those prospects and carefully
48 think about it how it crosses over to some of Mankowski's concerns about regulations constraints and
49 relationships.

50
51 **Action: Shultz will carefully read over this section and e-mail his comments to McElroy and Ripley.**

1 **Action: McElroy will focus attentions on the Legislation Report on Friday.** (Will be gone from
2 November 19th through December 19th, but will have electronic assess.) **Karen will be working on the**
3 **Strategic Plan. If anyone has comments, you can e-mail them to McElroy or Ripley before Friday.**
4 (Karen will be out of the office till November 15th)

5
6 **Analysis Area 11**

7 Ripley pointed out that there were some big gaps that hadn't been addressed yet. One is a fiscal plan.
8 Will that only come from DNR, or will the committee be involved with that?

9
10 McElroy commented that one of the things missing was real good budget work. We've put in a small
11 placeholder; but there is no comprehensive budget proposal.

12
13 Heide replied we had the budget numbers for Stewardship, have model stuff and thresholds.

14
15 **Action: Lippke and Heide go back to Mark Gray and get some numbers.**

16
17 Lippke added the other part of that is we need recommendations of where it's going to come from.

18
19 Budget numbers are needed. We need to insert numbers into the report as needed. Make a strong pitch
20 that stands alone. Need to itemize the funding.

21
22 McElroy advised should not put numbers in various places, only put numbers in the one place in the back
23 of the report.

24
25 Shultz asked if it is in the DNR's budget.

26
27 McElroy replied no. There is a placeholder in DNR's budget that says funding element will come from
28 Forest Health.

29
30 Ripley replied to not forget the core department's activities.

31
32 **Action: Ripley will design a core program to address the various needs.**

33
34 McElroy commented that future savings don't balance the current budget. Every faucet connects to a
35 forest.

36
37 **December Meeting Topics**

38 ○ Legislative Section 4, Warnings and Hazards

39
40 Shultz commented that the report says landowner may comply with suggested treatments. Make sure the
41 report is worded same as the law.

42
43 Meeting adjourned at 4:45 p.m.

44
45 The next meeting will be December 21st, in Room 172 of the Natural Resources Building. 1111
46 Washington St. SE, Olympia, WA (360) 902-1300. Meeting will start at 9:00 a.m.